

JJ Jelincic
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Hayward, California 94544

November 4, 2019

California Public Employees' Retirement System
Anthony Martin
Board Election Coordinator
Operations and Technology
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Please consider the following a Protest of the 2019 Retired Member Election for the CalPERS Board of Administration. The election was certified on October 17, 2019, and the certification was transmitted by letter dated October 23, 2019.

Unfortunately, the grounds for the protest are several. Preliminarily, however, we may never know the full extent of the violations in this election, as many of them appear to have been orchestrated by CalPERS Board members and staff. We will identify those we are aware of, however.

First, governmental resources were used on behalf of the Henry Jones campaign and/or against the J.J. Jelincic campaign. The CalPERS Office of Public Affairs was directly involved in attempting to disseminate stories accusing Mr. Jelincic of sexual harassment. This included attempts by the Office of Public Affairs to get the attacks published by the LA Times, Bloomberg, and Chief Investment Officer magazine. Ultimately, the Office of Public Affairs did convince the Sacramento Bee's Marcos Breton to run stories accusing Mr. Jelincic of sexual harassment.

Additionally, The State Treasurer Fiona Ma, who is also a member of the CalPERS Board, wrote a widely disseminated July 15, 2019 letter, on her state letterhead, attacking Mr. Jelincic and demanding that he abandon his campaign. This is a violation of California Government Code section 3204. This letter was also posted on the official California State Treasurer Twitter account. This letter was later disseminated further as it was sent to the Sacramento Bee – which republished it – as well as an anti-Jelincic dark money group calling themselves "Concerned Retirees for Pension and Health Care Security" (an SEIU-created entity). Within a month of that group being formed, it had funded a mass mailing intended to appear as if it was from Treasurer Ma, and including her actual letter on her own letterhead.

Second, CalPERS staff were encouraged to publicly campaign against Mr. Jelincic, including through presentations to the CalPERS Board in open session, in violation of 2

CCR section 552.1 and 2 CCR section 554.2. We are attempting to determine whether these employees were provided leave by CalPERS for this purpose, or were on work time. Either way, these employees were permitted (and likely encouraged) to use CalPERS resources to campaign against Mr. Jelincic. The same two CalPERS employees (Charity Joy Bowman and Gabriela Urdeneta), also sent multiple emails signed "CalPERS Team Members" and "CalPERS Employees" campaigning against Mr. Jelincic, in violation of both Government Code 3204 and California Code of Regulations section 554. These emails, in addition to representing that they are sent on behalf of CalPERS employees, contain intentionally false and misleading information, possibly rising to the level of libel.

Third, CalPERS Board members repeatedly campaigned against Mr. Jelincic in open meetings of the CalPERS Board. For example, several Board members responded supportively when two CalPERS employees speaking during public comments at CalPERS Board meetings attacking Mr. Jelincic. This, in spite of the fact that such comments were not appropriate for public comment at a CalPERS Board meeting and should have been cut off. But while several Board members jumped on the bandwagon attacking Mr. Jelincic, Board Member David Miller who took the opportunity to lambast Mr. Jelincic and also state the he and others on the Board support and endorsed Henry Jones and suggested that people see what they could do to defeat Mr. Jelincic. CalPERS General Counsel (after several minutes of political attack against Mr. Jelincic) did remind the Board that such comments were illegal. Frank Ruffino, who was serving as an Acting Board Member on behalf of State Treasurer Fiona Ma, confirmed that on her behalf, he was echoing the comments that had been made and took action (presumably referring to the illegal letter that was written) while acknowledging that they were unaware of the history.

Mr. Jelincic's opponent, incumbent Henry Jones, was in charge of this meeting and not only allowed the two women to comment on a subject matter that the board has no control over, he then allowed each board member to make comments on it as well. When a member of the public asked that Mr. Jelincic be giving equal time to respond to the nearly 15 minutes of campaigning against Mr. Jelincic in open session, Mr. Jones denied the request. All of the actions outlined in the preceding two paragraphs occurred in state buildings (CalPERS) and were presided over by Henry Jones (both the Board President and incumbent against whom Mr. Jelincic was running), thus violating 2 CCR section 554.2.

Fourth, the election was conducted in violation of Election Code Section 19205 which requires that no part of the voting system be connected to the internet at any time. It also violates the State Constitution Art II Sec 7 requirement that voting be secret.

Fifth, the current election process does not provide for any independent verification of either the number of ballots mailed and the number of ballots returned. This is especially problematic in light of the discovery that the envelopes used to return the marked ballots were see-through, allowing for tampering and the disappearing of ballots before they are noted as returned.

It is disappointing that elections to such important positions, where trust and transparency are paramount, are being conducted in such a way where the incumbents have complete control over the process, and have been using State and CalPERS resources in a blatant attempt to influence the outcome of the election.

For these reasons, as will be established to the satisfaction of the protest panel, the election should be overturned and a new election held with safeguards in place to prevent the blatant illegality that occurred previously.

Please direct all future communications regarding this matter to my attorneys:

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Thank you and we look forward to a prompt resolution of these issues.

Sincerely,



JJ Jelincic

CC: Jason Jasmine